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Paper No.

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of :
Robl, et al. : DECISION ON APPLICATION
Application No. 10/705,519 : FOR
Filed: November 10, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No.
50195/023003 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)," filed December 3 2008.¹ Applicants request that the patent term adjustment of two hundred sixty three (263) days be adjusted to a determination of four hundred and sixty nine (469) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

On September 30, 2008, the above-identified application matured into US Patent No. 7,429,690 with a patent term adjustment of 263 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e), paid on December 1, 2008. No additional fees are required.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to a total patent term adjustment of 469 days.

¹ Note the certificate of mailing date for petition was 12/1/2008.

In view of the Federal Circuit decision *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010) the relief requested is granted.

The Office will sua sponte issue a certificate of correction reflecting this decision.

Telephone inquiries specific to this decision should be directed to Maria Nuzzolillo, Legal Advisor, at (571) 272-8150, or the undersigned at 571-272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

cc: Draft Certificate of Correction
Adjusted PTA calculation

PALM INTRANET

Day : Monday
 Date: 7/19/2010
 Time: 12:41:19

PTA Calculations for Application: 10/705519

Application Filing Date:	11/10/2003	PTO Delay (PTO):	455
Issue Date of Patent:	09/30/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	192
Post-Issue Petitions:	0	Total PTA (days):	469
PTO Delay Adjustment:	206		

File Contents History

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38	06/13/2007	DISPOSAL FOR A RCE / CPA / R129			
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31	11/27/2006	FINAL REJECTION			
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29	09/15/2006	REFERENCE CAPTURE ON IDS			
28.7	09/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED	0	24	
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24	09/15/2006	RESPONSE AFTER NON-FINAL ACTION		3	23
23	06/12/2006	MAIL NON-FINAL REJECTION			
22	06/08/2006	NON-FINAL REJECTION			
21	05/04/2006	DATE FORWARDED TO EXAMINER			
20	04/27/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
19	04/10/2006	MAIL RESTRICTION REQUIREMENT		455	-1
18	04/03/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
17	09/26/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	09/26/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	12/20/2004	PRELIMINARY AMENDMENT			
14	01/25/2005	APPLICATION RETURN FROM OIPE			
13	01/25/2005	APPLICATION RETURN TO OIPE			
12	01/25/2005	APPLICATION DISPATCHED FROM OIPE			
11	01/25/2005	APPLICATION IS NOW COMPLETE			
10	12/17/2004	ADDITIONAL APPLICATION FILING FEES			
9	12/17/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
8	12/20/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	01/07/2005	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
6	10/21/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
4	01/29/2004	CASE CLASSIFIED BY OIPE			
3	01/29/2004	CLEARED BY OIPE CSR			
2	12/21/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/10/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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CERTIFICATE OF CORRECTION

PATENT : 7,449,019 B2

DATED : November 11, 2008

Draft

INVENTOR(S) : Uchida et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (702) days

Delete the phrase "by 702 days" and insert -- by 1081 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,429,690 B2

DATED : September 30, 2008

Draft

INVENTOR(S) : Robl, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (469) days

Delete the phrase "by 263 days" and insert -- by 469 days--

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